

01-16-08

PENNIE & EDMONDS LLP DOCKET NO. 11068-078-999

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner J. ParkinArt Unit 1648

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/320,299 filed on May 26, 1999.

of Jeanette Whitcomb

(inventor(s) currently of record in prior application)

for MEANS AND METHODS FOR MONITORING NON-NUCLEOSIDE REVERSE TRANSCRIPTASE
INHIBITOR ANTIRETROVIRAL THERAPY AND GUIDING THERAPEUTIC DECISIONS IN THE
TREATMENT OF HIV/AIDS

(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

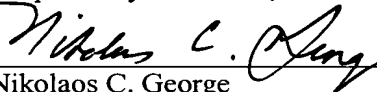
| TYPE | NO. FILED | LESS | EXTRA | EXTRA RATE | FEE |
|-------------------------------------------------------------------------------------------------------------------------|-----------|------|-------|--------------|-----------|
| Total Claims | 19 | - 20 | 0 | \$18.00 each | \$ 0.00 |
| Independent | 2 | - 3 | 0 | \$86.00 each | \$ 0.00 |
| Minimum Fee | | | | | \$ 770.00 |
| Multiple Dependency Fee | | | | | |
| If Applicable (\$290.00) | | | | | \$ 0.00 |
| Total | | | | | \$ 770.00 |
| Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern | | | | | \$ 385.00 |
| Total Filing Fee | | | | | \$ 385.00 |

2. ☐ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 3a. ☐ A Preliminary Amendment is enclosed.
- 3b. ☒ Amend the specification by inserting before the first line the following sentence: This is a divisional of application no. 09/320,299 filed May 26, 1999, which claims the benefit of provisional application no. 60/086,834, filed 5/26/98, and provisional application no. 60/124,090, filed 3/12/99, each of which applications is hereby incorporated by reference in its entirety.

- 4a. ☐ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.
- 5a. ☒ Benefit of Appl. No. 09/320,299 is claimed under 35 U.S.C. § 120, and benefit of provisional application no. 60/086,834, filed on 5/26/98 and provisional application no. 60/124,090, filed on 3/12/99 is claimed under 35 U.S.C. §119(e).
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to ViroLogic, Inc. (a copy of the recorded Assignment is enclosed from Appl. No. 09/320,299).
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/320,299, filed May 26, 1999 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☒ Additional enclosures or instruction Copy of Declaration from Appl. No. 09/320,299.

Date January 14, 2004

Respectfully submitted,


Nikolaos C. George

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39,201
(Reg. No.)